

Mr. Garfield in Court.

The following is Mr. Garfield's connection with the De Golyer pavement as shown by the records of the Circuit Court of Cook County, Illinois, with the decision of Judge Farwell. It is not particularly cheerful reading for Republicans:

State of Illinois, Cook County Circuit Court. George R. Chittenden vs. Robert McClelland et al. May term, 1876, before Farwell, Circuit Judge, No. 12,181. The plaintiff, by E. A. Stora, Esq., brought suit against the defendants upon contract, by which they agreed to pay him one-third of all the profits upon all paving contracts which he would obtain for De Golyer and McClelland from Boards of Public Works in Eastern cities. The declaration alleged that he obtained a contract for paving 200,000 square yards from the Board of Public Works of the District of Columbia, at \$3.50 per yard, when it would cost only \$1.50 to lay it down. That the profits were \$400,000, and claimed the defendant should pay him \$100,000 at least.

The defendants pleaded in substance:

"1. That the contract was void on its face."

"2. That it was obtained by the plaintiff by improper influences, against public policy, and therefore was void. The plea set out that it was obtained mainly through the influence of James A. Garfield, then a member of Congress and Chairman of the Committee on Appropriations in the House of Representatives; that Garfield was to receive a fee of \$5,000 for obtaining it; that the contract contained a clause for 50,000 additional square yards contingent upon an appropriation to be made by Congress; that by the usual course of business from the committee of which said Garfield was then Chairman, the defendants had subsequently reported a bill appropriating \$1,241,000 out of which said pavement could be paid for; and that for his influence and services he did receive the sum of \$5,000."

"3. Another plea set out the facts above stated and alleged that the said plaintiff and said Garfield and said Board of Public Works then well knew that it was not the arguments of said Garfield as a lawyer, but his influence as a member of Congress having power on the appropriations to be made that the plaintiff had sought and obtained and paid for, and therefore the contract was illegal, against public policy and void."

The plaintiff demurred to these pleas; the defendants joined in demurrer. The court sustained the pleas, and held that the contract was void as against public policy.

Mr. J. R. Doollittle, who appeared as counsel for the defendants, submitted among others the following points, in writing, May 14, 1875, Judge Farwell presiding:

"4. The pleas are good. They set out in substance that the contract was obtained by the plaintiff of the Board of Public Works of the District of Columbia by improper influences. That the contract was in part to the amount of 50,000 square yards upon its face, contingent upon a future appropriation to be made by Congress; that the plaintiff employed James A. Garfield, then being a member of Congress and Chairman of the Committee on Appropriations of the House of Representatives, agreeing to pay him a contingent fee of \$5,000, provided he would obtain the said contract of the Board of Public Works; that by his influence and persuasion he did procure the same, for which he received the sum of \$5,000. That afterward a bill was reported from the committee of which he was Chairman, and did pass the House and pass Congress and become a law, appropriating the sum of \$1,241,000 out of which the payment under said contract could be made by said Board of Public Works; that the plaintiff and the defendant and the said Garfield, and the members of the said Board of Public Works well knew at the time of his said employment, and at the time of his service in procuring said contract, that said Garfield, from his official position, did and would have a potent influence in procuring the passage of such appropriation to carry such contract into effect by said Board of Public Works, and that by means of the premises the said contract was, in fact, obtained by improper influences, against public policy, and is void."

"5. It is no sufficient answer to say that Garfield was at the same time a member of the legal profession. His being a member of Congress at the same time and employment as counsel upon a contingent fee, or otherwise, to obtain a contract from a board of public officers, dependent upon the future act of Congress to fulfill, is against public policy and void."

"6. That the plaintiff Chittenden well knew and intended that the influence of General Garfield, as a member of Congress, was to be used in procuring the contract, rather than his arguments as a counselor at law, is evident from his letter to the defendants, set out in his special plea, in which he says: 'The influence of General Garfield has been secured by yesterday, last night and to-day's labors. He carries the purse of the United States—the Chairman of the Committee on Appropriations—and is the strongest man in Congress, and with our friends my demand is to-day not less than one hundred thousand more—two hundred thousand in all. Everything is in the best shape, the connections complete, and I have reason to believe, satisfactory. . . . I can hardly realize that we have General Garfield with us. It is rare and very gratifying. All the appropriations of the District come from him.'

"In the recent case of Burke vs. Child, not yet reported (May, 1875), decided at the last October term in the Supreme Court in the United States, Mr. Justice Swayne, in a very able opinion, reviews all the cases, and holds: That a contract, express or implied, for a purely professional service is valid. Within this category he includes drafting a petition, attendance on taking testimony, collecting facts, preparing arguments, and submitting them orally or in writing to a committee or other proper authority."

"But such services are separated by a broad line from personal solicitation and from official influence."

"The agreement with General Garfield, a member of Congress, to pay

him five thousand dollars as a contingent fee for procuring a contract, which was itself made to depend upon a future appropriation by Congress—which appropriation could only come from a committee of which he was Chairman—was a sale of official influence, which no veil can cover, against the plainest principles of public policy. No counselor at law while holding high office (much less a minister of the gospel, etc.) has a right to put himself in a position of temptation, and, under pretense of making a legal argument, exert his official influence upon public officers, dependent upon his future action."

"Certainly the courts of justice will never lend themselves to enforce contracts obtained by such influence."

The demurrer was overruled, the pleas held to be good, and that the contract was void as against public policy.

All these matters appear by the records of the Circuit Court of Cook County in case No. 12,181.

The Campaign and Its Probabilities.

Speaking of the approaching campaign, the *Detroit Free Press* says: The nomination of General Hancock has completely demoralized the Republican machine. It has utterly ruined their plan of the campaign. Whatever certainty the Republican managers felt on other points, they were sure that they could fall back upon the "war issue." It has been fought out long since. The vitality has long been squeezed out of it. But the managers intended to dress up the skeleton and parade it through the campaign for the stalwarts and the faithful to rally around. The selection of Hancock deprives them of even this poor possibility. There is not only no part for such a skeleton to play, there is not even room for the ghost of the war issue. The old slanders and battle cries and crimson emblems have been swept aside. The campaign must be fought on living issues. The Republicans must win, if at all, by the strength of their own cause, not by the imaginary or alleged weakness of the cause of their opponents.

How little chance there is of winning in such a contest the Republican dejection shows. The corrupt and extravagant record of the party can no longer be ignored and placed in the background while outrages are discussed and dilated upon. It must be defended or apologized for, and both defense and apology are impossible. With a stainless candidate, around whom the party could rally with enthusiasm, progress might still be made in popular approbation. But the stainless candidate is on the Democratic ticket. Scarcely three weeks nominated, General Garfield already finds himself involved inextricably in a defensive campaign. The journals which were expected to be sounding his praises, the orators who were counted on for rhapsodical exaltation of his name, the poets who were to sing paeans in his praise, have all been driven to the whitewash brush and are busily daubing away in the vain hope that they may be able to efface some of the darkest spots in his record. Already the rank and file which hastily welcomed Garfield as a relief from the bad possibility of Grant and the worse possibility of Blaine, begin to see that his is no name to conjure with, and that too little magnetism is almost as bad as too much.

In its details, too, the campaign presents very awkward features. In the first place Maine must be assured in September, in the sacred name of "prestige," for, in the Republican shibboleth, "as goes Maine, so goes the nation." Ordinarily this is a matter of no difficulty, for Maine is as sure as Iowa. But this year Maine has a squally look. The blood of the opponents of Republicanism is up and appearances indicate a stubborn fight. The assessment of the faithful will have to begin early and will be tolerably oppressive if Maine is to be saved. Then Ohio is to be secured in October, which means another assessment, and a great effort must be made to keep Indiana from the Democracy. Pennsylvania, too, with a candidate on the Democratic ticket, will need constant looking after. Take it all in all the Republican outlook is not a happy one.

In one respect, however, the Republican party has a decided advantage which cannot and must not be ignored. It has organization and discipline—in a word, the machine. Fortunately, however, it can easily be deprived of this advantage by prompt, energetic action on the part of the Democracy. Let the work be begun at once, in the wards and in the townships, in the cities and in the counties. Form clubs, appoint committees, secure a canvass and meet organization and discipline with organization and discipline. So let the Democracy be put in position to avail itself of the grand probabilities which a campaign under gallant leaders like Hancock and English presents.

POLITICAL POINTS.

—The bloody shirt has gone to wash.

—John Logan is credited with the remark that "anybody can beat that Campbellite preacher."

—The *Chicago Tribune* thinks Logan could do a good stroke of business by resigning from the United States Senate so as to enable Governor Culum to appoint Grant to the vacancy thus occasioned. Logan thinks he sees himself doing this.

—The Republican organs not being able to denounce General Hancock as a "Copperhead" are bringing against him the serious charge that he is a "regular" army officer. They are suddenly seized with a remarkable admiration for the volunteer service.

—General Garfield's vote in Congress is recorded in favor of the celebrated joint resolution signed by Abraham Lincoln which expressed the National gratitude to Major-General Winfield Scott Hancock "for gallant and conspicuous share in the great and decisive victory of Gettysburg."

—General Sherman is quoted by *The Washington Star* as saying that he doesn't have anything to do with politics. "But if you will sit down," he added, "and write the best thing that can be put in language about General Hancock as an officer and a gentleman, I will sign it without hesitation."

Garfield's Letter of Acceptance.

We publish elsewhere the letter of acceptance of General Garfield. It repudiates an unnamed portion of the Chicago platform on which he was nominated; plainly seeks to make the issue of the campaign one of centralization against civil liberty; waves the bloody shirt behind a transparent screen; demands that the Executive Department of the Government shall elect the Congress of the people; paves the way for the emigration of negroes to the States where their votes are needed; talks of schools that are beyond the jurisdiction of the Federal Government; bids for the votes of soldiers whose Arrears-of-Pensions bill found an enemy in him; divides his pleasant words upon the question of a protective tariff between the Cobden Club, of which Garfield is a member, and his hope of carrying Pennsylvania; compliments the founder of the Democratic party when he speaks of our splendid domain; denounces General Garfield as a hypocrite in mentioning the Chinese question; and actually has the audacity to allude to Civil-service reform while Arthur is at the tail of the Presidential ticket. This is the substance, this is the essence, of the letter of acceptance.

Garfield repudiates a part of the platform on which he was nominated. This is singularly impolitic. He leaves in doubt the portions which he refuses to endorse. If there is any class of Republicans devoted to any doctrine alleged to be contained in the Chicago platform that may be the doctrine which Garfield says he does not endorse. General Garfield has already arrayed against him a majority of the people of the United States; he can ill afford to array against himself any fraction of his own party not already opposed to his election. He says that he endorses the platform "on nearly all the subjects of which it treats." This is "nearly all" that need be said concerning the wisdom, or sagacity, or popular efficiency of the letter of acceptance. Has Garfield the vanity to suppose that he is stronger than the Republican party of the United States? Does he think that he can afford to defy his own party upon any public question? How can a man of Garfield's sensitive moral and intellectual composition accept a nomination at the hands of a party all of whose declaration of faith he does not approve? Is not this worse than Garfield's "melancholy days of November," and worse than placing Xerxes, the Persian, at the head of the armies of the Greeks? Did he not build wiser than he knew when he urged upon that portion of his party which he has not repudiated the need of schools? Is he not guilty of insulting the Convention that placed him upon the platform if he had unanimously adopted?

After repudiating the Republican platform in part, General Garfield antagonizes a doctrine of "State supremacy," which, in the sense in which he speaks of it, no man in this country maintains, and then announces the doctrine of centralism, to which an immense majority of the people of the United States are opposed. When he says that "the right of the Nation to determine the methods by which its own legislation shall be created can not be surrendered," he means that the Executive Department of the Government, if it happens to be in the hands of his own party, shall be permitted to stalk into all the States and all the Congressional Districts, and all the cities and all the towns, and by the army and the Marshals and the Supervisors to elect a Congress. What greater enemy can there be to the more un-democratic? What more un-republican? This is the doctrine that the Executive Department of the Government shall elect the Legislative Department of the Government.

General Garfield should have omitted allusions to the right of electors to have their vote "honestly counted." He should not have invited attention to his own record in the matter of stealing two States about four years ago—a matter in which he justified himself most shamelessly under one oath proclaiming one theory as to the Electoral Commission, and under another oath, another. In one subtle sentence General Garfield encourages negro immigration. The only inference is that negro votes are needed in Northern States. He pleads the cause of minorities—none bath greater need—but he can only see the minorities in the South. He speaks of the "sacred obligations to the soldiers of the Union." This was a doubly unfortunate allusion. One of the most splendid and distinguished of these soldiers is General Winfield Scott Hancock, the opposing candidate for the Presidency, and if these obligations are really sacred in the eyes of the American people, Hancock, of course, will be elected. It was also unfortunate because when the Arrears-of-Pensions bill was pending in Congress Garfield didn't regard those obligations as at all sacred.

In speaking of the tariff, Garfield aims not to be driven out of the Cobden Club or out of all hope of carrying Pennsylvania. He pleads for river and harbor improvements, and pays a tribute to the founder of the Democratic party in so doing. The vast territory which the Democratic party secured for these United States receives handsome mention.

General Garfield is compelled to play the hypocrite upon the Chinese question. He is on record on this issue. The Republican party is also on record upon this question by the most solemnly formal acts. Garfield's words in this letter cannot balance his votes in Congress. The words in this letter on this subject mean next to nothing; but if they meant tenfold more they would be unavailing. His party would not permit him to antagonize its record on this question. It is the same party that caused President Hayes to veto a bill providing for restrictions on Chinese immigration, and Garfield is the same Garfield that labored and voted to sustain that veto.

General Garfield has made a surrender in some measures upon the Civil-service Reform question. The Hayes theory was that members of Congress should have nothing to do with the making of appointments. Garfield bows to the machine and says:

"To select wisely from our vast population those who are best fitted for the many offices of the Government is a task of no small importance and of no small range of any one man. The Executive should therefore, seek and receive the information and assistance of those whose

knowledge of the communities in which the duties are to be performed best qualifies them to aid in making the wisest choice."

Is the Civil-service plank in the Chicago platform one of the planks which Garfield repudiates? Has he made the bargain? Does he really mean to offer an affront to the Administration of Hayes?—*Cincinnati Enquirer*.

General Hancock's Position With Respect to the Fraud of 1876.

Some of our Republican contemporaries seem to be strangely anxious to get it understood that during the closing months of 1876 or the earlier months of 1877 General Hancock notified one of his superior officers that he considered Mr. Tilden to have been duly elected President of the United States, adding, of course, that if Congress declared Mr. Tilden to have been so elected, and if Mr. Tilden should take the oath of office as President, General Hancock would obey his orders on and after the 4th of March, 1877. It is to be hoped the Republicans may succeed in proving this, because if they should succeed in proving it they would greatly strengthen General Hancock's claims upon the confidence of his countrymen.

General Hancock had in 1877, as he has in 1880, but two superior officers in the military service—General Sherman and General Sheridan. If he addressed to anybody such a notification as is alleged, he must have addressed it to one of these officers, and official propriety would doubtless have induced him to address it to General Sherman. As neither General Sherman nor General Sheridan nor yet General Hancock himself has confirmed the rumor of such a notification, it must at present be regarded as merely a rumor, though a rumor highly creditable to General Hancock, and such a rumor as would naturally arise concerning an officer on whose loyalty and patriotism partisan passion itself has not ventured to cast a doubt.

The assertion that such a notification was made by General Hancock after the false judgment of the Electoral Commission had been rendered, or even after that body had been established, is of course absurd. General Hancock is neither a rioter nor a revolutionist, but a law-abiding citizen and a faithful soldier. The Electoral Commission gave to Mr. Hayes a color of title which protected every public servant in obeying any lawful orders which came from him, and in which the whole American people acquiesced rather than run the risk of a new civil war. Before the Commission was established, and when the monstrous claim was put forward that the President of the Senate alone had the right to count the votes and that there was no appeal from his decision, though every member of Congress might know that he certified a falsehood, and every pretended court, if it were among things possible that every public servant and every private citizen of this country might be forced to choose for himself whom he would recognize as President. On the one side was this monstrous claim that a casual Senator, who happened to be the presiding officer of the Senate in consequence of the death of the Vice-President, had power to nullify the will of the American people. On the other side was the fact, as clear then as it is now, that the will of the American people had been expressed in the election of Mr. Tilden. If it had come to a choice between these alternatives it would have been the duty of General Hancock, as a soldier and a citizen, to choose his course in accordance with what he believed to be the facts, and to take sides with the American people against the group of desperate political gamblers who were trying to defraud them of their right to choose their own President. If it seemed to General Hancock that the time for a choice had come, it was his duty to give, as it is alleged that he gave, a timely notice to his military superiors of the decision at which he had arrived, and to warn them that no assistance could be counted on from him towards reversing the verdict which the people had rendered at the polls.

If it be true that General Hancock felt himself moved to give this notice and this warning, the fact would tend to justify the fear felt at the time by such patriotic men as Senator Bayard and Senator Thurman that the Electoral Commission was necessary to save the country from the alternatives of the unresisted seizure of the Government by conspirators or of a new civil war. It was certain that at midnight on the 3d of March the functions of President Grant would absolutely cease to determine, and that on that day then begun either Mr. Tilden or Mr. Hayes must become President of the United States. There was a chance that Mr. Ferry would attempt to usurp the power which was vested in the two houses, over the joint meeting of which he was to preside. There was more than a chance that the two houses would disagree as to a choice. In that case, we repeat, every man in the country would have been forced to make his election between the claimants, and it would have been doing every man to make his election, as it is now alleged that General Hancock did make his election, according to the facts. In so looking back at that time, it is plain from what a peril the Electoral Commission saved us. If a majority of the arbitrators to whom the case was left cheated the American people, by deciding that the facts were relevant in Oregon and *alibi* in Florida, the disgrace to their timber-rigging is theirs alone, and not that of the men who devised the arbitration, or of the American people who loyally submitted to a decision which they knew to be unjust. Among the timber-riggers of the Commission was James A. Garfield. Among the men who submitted to the wrong done by Garfield and his confederates was General Hancock. But it would redound to General Hancock's honor could it be shown that he notified his superiors that, in the absence of an authoritative lawful decision of the question who should be recognized as the President of the United States, he should decide it for himself by recognizing the man whom he believed to have been elected to the office.—*N. Y. World*.

An ordinary woman's waist is thirty inches round. An ordinary man's arm is about thirty inches long. How admirable are thy works, Oh, Nature!

PITH AND POINT.

SMITHINGTON, who is forever reeling on the same old yarn, explains by saying that he has always heard that one story's good until another one's told, and he doesn't propose to spoil his by telling another.—*Boston Transcript*.

WHEN a pair of lovers are sitting alone in a parlor conversing about love and other sentimental things, the suddenness with which the young man changes the subject to domestic economy when the lady's paternal parent enters the room almost makes the young man's collar button fly off.—*Binghamton Republican*.

"If I paid this bill," said the patient debtor, "you would lose your occupation; you wouldn't have anything to do." "Oh, yes," said the creditor, "I would lie down and rest while I had my boots re-soled." Then the patient debtor paid it. With a note, we think we can tell in a minute, just wait till we look. Yes, it was a note.—*Hawkeye*.

WHEN the indulgent mother calleth her son she gently and in high soprano notes screameth, "Charlie-e! Charlie-e!" But Charles cometh not nor doth he give the sound a thought, but goeth about the business of his play. But when his sire, enraged at the dilatory motions of his offspring, calleth quickly and sharply, "Charles Frederick!" Charles Frederick husteth homeward with alacrity, merely stopping by the way to insert the cover of his best spelling book where it will do the most good.—*New Haven Register*.

WELL, Hannah, isn't it nice to be screened up in good shape?" remarked Mr. Smiley, as he drew up his chair to the breakfast table. "We get plenty of light and cheerfulness and no flies. Just think, Hannah, no fly—I declare there's one little cuss of a fly on the sugar bowl; but never mind; what's one fly? Hello, there's another angel of destruction dipping his wings in the milk, and there's one wading in the butter, and there's two more trying to pass themselves off for blueberries in this pie. Hannah! You are to blame for this. Here are one, two, three, four, five, six, seven—yes, Hannah, I presume there are eight on a hundred flies right here in this room. What is the use of screens, Mrs. Smiley? I will take 'em out and sell 'em for old junk, and let the flies have free course here and spoil everything, yes I will." And as he brandished the carving knife in the air a fly tickled his nose in high glee at the prospect for his brothers on the outside.—*New Haven Register*.

The Man With an Item.

SOME supposed friends of a newspaper have peculiar ideas as to what kind of items a paper really requires. Not long since a gentleman came into the *Galveston News* sanctum and said:

"Look here! You miss a heap of live items. I'm on the streets all day; I'll come up every once in a while and post you."

"All right, fetch on your items; but, remember, we want news."

Next day he came up, beaming all over.

"I've got a live item for you. You know that infernal bow-legged gorilla of a brother-in-law of mine, who was in business here with me?"

"I believe I remember such a person," said the editor, wearily.

"Well, I've just got news from Nebraska, where he is living, that he is going to run for the Legislature. Now, just give him a blast. Lift him out of his boots. Don't spare him on my account."

Next day he came up again. "My little item was crowded out. I brought you some news," and he hands in an item about his cat, as follows:

"A Remarkable Animal.—The family cat of our worthy and distinguished fellow-townsmen Smith, who keeps the boss grocery store of Ward No. 13 (beer always on tap), yesterday became the mother of five singularly-marked kittens. This is not the first time this unheard-of event has taken place. We understand Mr. Smith is being favorably spoken of as a candidate for Alderman."

The editor groans in his spirit as he lights a cigar with an effort that is not long before he hears that Smith is going round saying that he has made the paper what it is, but it is not independent enough for a place like Galveston.

Many readers will say this sketch is overdrawn, but thousands of editors all over the country will lift up their right hands to testify that they are personally acquainted with the guilty party.

Decency Toward Horses.

A HORSE can not be screamed at and cursed without becoming less valuable in every particular. To reach the highest degree of value the animal should be perfectly gentle and always reliable, but if it expects every moment that it is in harness to be "jawed" at and struck it will be in a constant state of nervousness, and in its excitement is liable, through fear, to do something which is not expected as to do. Along doing what you started it to do. It is possible to train a horse to be governed by the word of mouth almost as completely as it is to train a child, and in such training the horse reaches its highest value. When a horse is soothed by the gentle words of his driver—and we have seen him calmed down from great excitement by no other means—it may be very fairly concluded that he is a valuable animal for practical purposes, and it may be certainly concluded that the man who has such power over him, is a humane man and a sensible one. But all this simply means that the man must secure the animal's confidence. Only in exceptional instances is a horse stubborn or vicious. If he understands his surroundings, and what is required of him, he gives no trouble. As almost every reader must know, if the animal when frightened can be brought up to the object he will become calm. The reason is that he understands that there is nothing to fear. So he must be taught to have confidence in the man who handles him, and then this powerful animal, which usually a man could not handle, if it were disposed to be vicious, will give no trouble. The very best rule, therefore, which we would lay down for the management of the horse, is gentleness and good sense on the part of the driver. Bad drivers make bad horses usually.—*Western Rural*.

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